

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:) Chapter 7
LARRY WARD) Bankruptcy No. 10-68727
) HON. TUCKER
Debtors.)

**DEBTOR'S EX PARTE MOTION TO COMPEL KOSTOPOULOS &
ASSOCIATES PLLC TO PRODUCE DOCUMENTS**

Debtor by counsel submits the above stated motion for the following reasons:

1. This Court scheduled an order to show cause why Debtor is entitled to a discharge referencing 11 U.S.C. §727(a)(8) and 11 U.S.C. §727(a)(9) and citing the prior case filing bearing docket number 04-66570.
2. At a hearing held on October 20, 2010, the Court indicated that it was necessary for it to review certain documents in order to determine whether Debtor was entitled to a discharge and that Debtor was required to provide same and that the Court was not able to locate the original court file at this time.
3. Debtor was able to obtain some of the documents that were in his possession; namely Schedules A, B, D, I and J and even the original plan.
4. There are still three documents that remain unobtainable after Debtor's diligent search and attempts to obtain the requested documents.
5. Those documents are the amended plan being docket number 15, and the two orders confirming plan being docket numbers 19 and 20.
6. Debtor has requested those documents from the attorney who represented Debtor in that prior case; that being, Rita Kostopoulos & Associates PLLC (hereinafter Kostopoulos).
7. Debtor has also contacted the office of the Chapter 13 Trustee, Tammy L. Terry (hereinafter Trustee), who was appointed to administer that case.
8. Both Kostopoulos and the Trustee advised Debtor that they did not have the documents on site.

9. Kostopoulos indicated that the documents were in a "remote archive location, but it takes too much time for us to go to that remote archive location" and the Trustee indicated that it did not have the file "on-site at this time". (see attached exhibit B)
10. Since attorneys are required to retain a client's file for five (5) years from the date the file is closed, and the case in question ended in 2008, the documents should be readily obtainable and accessible to Debtor's prior attorney, Kostopoulos.
11. A copy of the proposed order is attached hereto.

WHEREFORE, Debtor respectfully requests that this court enter the attached order requiring Kostopoulos to produce the documents to Debtor or Debtor's new current counsel described in paragraph 5 of this motion, to Debtor or Debtor's new current counsel free of charge as Debtor had to file a motion to get documents that should otherwise be easily obtainable.

Respectfully submitted:

/s/ Lyle S. Lieberman

Lyle S. Lieberman (P39229)

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Dated: October 21, 2010

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LARRY WARD) Bankruptcy No. 10-68727
) HON. TUCKER
Debtors.)
_____ /

**EX PARTE ORDER COMPELLING KOSTOPOULOS & ASSOCIATES
PLLC TO PRODUCE DOCUMENTS**

THIS MATTER having come before the Court on Debtor's Ex Parte motion
and the Court being otherwise fully advised;

IT IS HEREBY ORDERED THAT Kostopoulos & Associates PLLC shall
produce following documents to Debtor and Debtor's counsel no later than
November 5, 2010:

1. The amended plan being docket number 15,
2. The two orders confirming plan being docket numbers 19 and 20.

IT IS FURTHER ORDERED THAT no fees or costs shall be charged for
such production.

EXHIBIT B

Heather Burnard

From: "KostopoulosLawyers" <lawfirmoffices@yahoo.com>
To: <heather@allcountylegalservices.com>
Sent: Wednesday, October 20, 2010 4:49 PM
Attach: Filed.Petition.pdf
Subject: Larry Ward Petition without Plan

Heather,

All we have is the schedules filed without plan. This petition and some tax return copies were the only documents in our folder at the office. There might be other things at our remote archive location, but it takes too much time for us to go to that remote archive location. Your client just called us at 4pm as well. I believe he is asking for the same item. Would you advise him that this is all we have? Thank you.

Regards,

S. Sophie Kong
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EXHIBIT B